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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,429	10/23/2000	Chun-Yang Hsiao	JCLA6009	2811

7590 12/12/2002

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EXAMINER
CEGIELNIK, URSZULA M

ART UNIT	PAPER NUMBER
3712	

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/695,429	HSIAO ET AL.
	Examiner	Art Unit
	Urszula M Cegielnik	3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment filed 20 September 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 6-9, 13-16, and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by World Intellectual Property Organization Publication No. 200015316, hereinafter WO '316.

WO '316 discloses an ultrasonic (page 10, line 35) transceiver (page 12, line 10) for transmitting and receiving ultrasonic signals; and an interactive toy having at least one internal transceiver capable of producing a response after receiving an ultrasonic signal, wherein the response includes an image output (page 13, lines 21-22) as recited in claim 1; the response further includes audible sound (page 13, line 21) as claimed in claim 2; the audible sound output is generated by a loudspeaker (page 3, line 31) as claimed in claim 3; the image output is displayed on a display device (page 12, lines 21-

22) as claimed in claim 6; the response further includes the production of some motion (page 16, lines 15-21) as required by claim 7; the ultrasonic signal includes a plurality of target messages for informing a plurality of interactive toys at the same time so that each interactive toy can produce a corresponding response (page 14, lines 13-18) as recited in claim 8; the ultrasonic signal includes digitally modulated signal (page 12, lines 9-23) as required by claim 9; the interactive toy further includes an ultrasonic energy converter for transmitting and receiving ultrasonic signals at different times (page 13, lines 23-31) as claimed in claim 12; an ultrasonic transceiver for transmitting and receiving ultrasonic signals, wherein the ultrasonic signals includes a digital modulation signal (page 12, lines 9-23); and an interactive toy having at least one internal transceiver (page 13, line 24) capable of producing a response after receiving an ultrasonic signal as recited in claim 13; the digital modulation signal comprises a data information or an instruction (page 12, lines 9-23) as claimed in claim 14; the response comprises one selected from the group consisting of an audible sound, an image output, and a motion (page 12, lines 16-23) as recited in claim 15; the ultrasonic signal includes a plurality of target messages for informing a plurality of interactive toys at the same time so that each interactive toy can produce a corresponding response (page 14, lines 13-18) as required by claim 16; the interactive toy further includes an ultrasonic energy converter for transmitting and receiving ultrasonic signals at different times (page 13, lines 23-31) as claimed in claim 19; an ultrasonic (page 10, line 35) transceiver (page 12, line 10), used to transmit and receive an ultrasonic signal, so as to have an interactive response between the interactive toy and another one of the

interactive toy, wherein the ultrasonic signal includes a digital modulation signal (page 12, lines 9-23) as claimed in claim 20, and the ultrasonic signal includes an image signal (page 13, lines 21-22) as recited in claim 21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over World Intellectual Property Organization Publication No. 200015316, hereinafter WO '316 in view of Davis et al.

WO '316 discloses the claimed invention except for the audible sound output generated by a buzzer.

Davis et al. discloses a sounding toy that has audible sound output generated by a buzzer (col. 3, lines 53-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have audible sound output generated by a buzzer as taught by Davis et al., since Davis et al. states at col. 1, lines 64-65 that such a modification would produce a louder sound of better quality.

Claims 10, 11, 17, 18, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '316 in view of Collins.

WO '316 discloses the claimed invention except for the ultrasonic transceiver further including a fixed interval sampling circuit for receiving the ultrasonic signal and sampling at fixed intervals so that a corresponding digital signal is output when the sample contains an ultrasonic signal and a reverse-phase digital signal is output when the sample does not contain an ultrasonic signal as claimed in claims 10 and 17; the ultrasonic transceiver further including a wave inspection circuit for receiving the ultrasonic signal and converting the ultrasonic signal back to the original digital signal before signal modulation as recited in claim 11; the ultrasonic transceiver includes a wave inspection circuit for receiving the ultrasonic signal and converting the ultrasonic signal back to the original digital signal before signal modulation as claimed in claim 18; the ultrasonic transceiver including a fixed interval sampling circuit for receiving the ultrasonic signal and sampling at fixed intervals as recited in claim 22, and the ultrasonic transceiver including a wave inspection circuit as claimed in claim 23.

Collins a remote control system that uses ultrasonic signal that includes a fixed interval sampling circuit and a wave inspection circuit (col. 3, lines 49-68 through col. 4, lines 1-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the abovementioned features in the device of WO '316 as taught by Collins since Collins states at col 2, lines 54-55 that such a modification would allow for selectively actuating a plurality of controllable functions in response to transmitted control signals.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 6:45AM - 3:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik
Assistant Examiner
Art Unit 3712

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700